



UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700

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Paper Number:

In re application of
Claude Maurice Dreulie et al
Serial No. 09/936,231

Filed: September 12, 2001

For: BOX FOR SET OF ELECTRIC STORAGE BATTERIES :

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DECISION ON
PETITION

This is a response to the PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE HOLDING OF ABANDONMENT, filed September 08, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of August 26, 2004, for failure to timely file a proper response to the Office letter dated October 15, 2003 be withdrawn. The petitioner asserts that the Office letter of October 15, 2003 was not received by applicants.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(II).

The evidence presented is sufficient to establish that the Office letter of October 15, 2003 was not received by petitioner. The evidence provided includes a statement by the petitioner that the Office letter of October 15, 2003 was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Office letter of October 15, 2003 was not received. Also provided are: (1) a copy of the attorney's manual docket record where the Office letter of October 15, 2003 would have been posted had it been received and docketed for a due date of January 15, 2004 (Exhibit A); (2) a copy of the attorney's computer docket record where the non-received Office letter would have been posted had it been received and docketed for a due date of January 15, 2004 (Exhibit B); and (3) a copy of the attorney's file jacket of the instant



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application, which reveals that no additional entry has been made thereon following the filing of the amendment dated August 05, 2003(Exhibit C).

Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the examiner for prompt remailing of the above noted Office letter to the correspondence address and restarting of the statutory period of response from the remail date thereof.

The Petition is **GRANTED**.

JmStone

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